

# **Williamson County, Tennessee**

## **Storm Water Management Regulations**

**Originally Adopted by Resolution of the  
Williamson County Board of Commissioners on November 8, 2004**

**Effective January 1, 2005**

**Revision Adopted by Resolution of the Williamson County Board of  
Commissioners on May 12, 2008**

**Effective May 12, 2008**

## Williamson County, Tennessee Storm Water Management Regulations

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## **Section 1: General**

### **1.1 Title**

These Regulations shall be known, cited and referred to as the “Storm Water Regulations of Williamson County, Tennessee”

### **1.2 Preamble**

The Williamson County Board of Commissioners finds and declares that it is in the best interest of the citizens of Williamson County to regulate the discharge of storm water, alleviate the effects of flooding and facilitate compliance with the Water Quality Act of 1977, the Water Quality Act of 1987 and the Clean Water Act of 1977. In furtherance of same, the Williamson County Board of Commissioners hereby adopts these Regulations governing storm water discharges, storm water management, flood control, erosion prevention, and water quality protection.

### **1.3 Purpose and Authority**

- A. Protect, maintain, and enhance the environment of Williamson County and the public health, safety and the general welfare of the citizens of the County, by controlling discharges of pollutants to the storm water system and to maintain and improve the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the County.
- B. Enable Williamson County to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, 40 CFR §122.26 for storm water discharges.
- C. Allow Williamson County to exercise the powers granted in Tennessee Code Annotated §68-221-1105 or as amended by the State of Tennessee.
- D. Williamson County shall have authority to implement and supplement these Regulations by reference to appropriate guidance or other related materials. Guidance or other related materials may be modified to meet the objectives and policies of this regulation, so long as such modifications to guidance or other related materials are not contrary or beyond the intent of these Regulations. The guidance or other related materials shall not in any way endorse specific commercially available products. However, they may refer to performance specifications, classes of devices, construction, or management practice.
- E. Williamson County shall have right-of-entry upon the property subject to these Regulations and any permit/document issued hereunder. Williamson County shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with these Regulations.
- F. Where a property, site or facility has security measures in place that require proper identification and clearance before entry into its premises, the owner/operator shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, Williamson County will be permitted to enter without delay for the purposes of performing specific responsibilities.
- G. Williamson County shall have the right to utilize on the owner/operator property such devices as are necessary to conduct sampling and/or metering of the person's storm water operations or discharges.

- H. Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the owner/operator at the written or verbal request of Williamson County. The costs of clearing such access shall be borne by the owner/operator. The County reserves the right to determine and impose inspection schedules necessary to enforce the provisions of these Regulations.

#### **1.4 Applicability and Jurisdiction**

The Storm Water Regulations shall govern all properties within the unincorporated limits of Williamson County, Tennessee.

#### **1.5 Exemptions**

The following activities are exempt from the requirements of these Regulations:

- A. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;
- B. Agricultural land management activities; and
- C. Any silviculture activity that is consistent with an approved timber management plan prepared or approved by the State of Tennessee.

#### **1.6 Duty to mitigate**

The owner/operator shall take all reasonable steps to minimize or prevent any discharge in violation of these Regulations.

#### **1.7 Duty to provide information**

The owner/operator shall furnish to Williamson County any information that is requested to determine compliance with these Regulations or other information.

#### **1.8 Other information**

When the owner/operator becomes aware that the owner/operator failed to submit any relevant facts or submitted incorrect information in the Notice of Intent or in any other report to Williamson County, the owner/operator shall promptly submit such facts or information.

#### **1.9 Savings Provision**

These regulations shall not be construed as altering, modifying, vacating or nullifying any action now impending or any rights or obligations obtained by any person, firm or corporation through approval of a preliminary plat by the Williamson County Regional Planning Commission or through the approval of any land disturbance permit.

## **Section 2: Standards**

### **2.1 Storm Water Quantity**

- A. New development shall meet a storm water quantity level of service defined by:
  - 1. Designing road catch basins and connecting culverts to convey the 10-year, 24-hour design storm runoff.
  - 2. Designing bridges, channels and cross-drains to pass the 25-year, 24-hour design storm runoff. Calculations shall also be provided for the 100-year, 24-hour design storm.
- B. Storm water infrastructure shall be designed in the following manner:
  - 1. Critical service roads shall be designed to have no more than three (3) inches of road overtopping at the 100-year, 24-hour design storm event.
  - 2. Other new roads shall be designed to have no more than six (6)-inches of road overtopping at the 25-year, 24-hour design storm event.
- C. Re-development activities will be required to follow storm water quantity requirements.
- D. No land disturbance activities, whether by private or public action, shall be performed in a manner that will negatively impact storm water quantity whether by flow restrictions, increased runoff, or by diminishing channel or floodplain storage capacity. Erosion or sedimentation, or transport of other pollutants or forms of pollution, due to various land development activities must be controlled.

### **2.2 Storm Water Quality**

- A. Pursuant to the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) program administered by the Tennessee Department of Environment and Conservation (TDEC), illicit discharges to the MS4 are illegal, prohibited and a violation of these Regulations.
- B. Unless Williamson County has identified them as a source of pollutants to the “Waters of the State of Tennessee”, the following discharges into the MS4 are lawful and not considered illicit:
  - 1. Discharges from emergency fire fighting activities
  - 2. Rising ground waters
  - 3. Uncontaminated groundwater infiltration to separate storm sewer systems (as defined by 40 CFR§35.2005 (20))
  - 4. Uncontaminated pumped ground water
  - 5. Discharges from potable water sources as required for system maintenance
  - 6. Water line flushing
  - 7. Foundation, footing, and crawl space drains and pumps
  - 8. Air conditioning condensate
  - 9. Landscape and lawn irrigation
  - 10. Uncontaminated springs
  - 11. Individual residential vehicle washing

12. Flows from riparian habitats and wetlands
  13. Dechlorinated swimming pool discharges
  14. Street wash waters resulting from normal street cleaning operations
  15. Controlled flushing storm water conveyances (controlled by appropriate Best Management Practice (BMPs))
  16. Discharges within the constraints of a National Pollutant Discharge Elimination System (NPDES) permit from the Tennessee Department of Environment and Conservation (TDEC)
  17. Other special discharges as approved by Williamson County
- C. Except for the lawful discharges into the MS4 listed in Section 2.2.B above, all storm water discharges that do not meet the requirements for Storm Water Quality or Storm Water Quantity as outlined and required in these Regulations, into the MS4 are illicit discharges.
- D. An illicit discharge or illicit discharges are determined according to the following criteria:
1. The storm water discharge shall not cause an objectionable color contrast in any watercourse under County jurisdiction. In order to determine objectionable color contrast, the County Engineer or Storm Water Quality Coordinator, using the best information available and based upon their knowledge, experience and education shall consider:
    - a. color (true and apparent) of the water;
    - b. the presence of colloids in the water;
    - c. any floating solids, oil, grease or scum in the water;
    - d. any floating materials in the water of a persistent nature from other than natural causes;
    - e. materials producing true color resulting from other than natural causes that create an aesthetically undesirable condition and substantial visible contrast with the natural appearance of the water;
    - f. any materials in the water that produce color, odor or other conditions in such degree as to create a nuisance;
    - g. any materials in the water that are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such degree as to create a nuisance or be unsightly; or
    - h. any materials in the water that will form putrescent or otherwise objectionable deposits.
- OR**
2. The storm water discharge shall not cause an objectionable turbidity in any watercourse under County jurisdiction. In order to determine objectionable turbidity, the following turbidity standard shall be utilized:

All waters shall be free from turbidity which results in substantial visual contrast in a water body due to man-made activity. The upstream appearance of a body of water shall be observed at a point immediately upstream of a turbidity-causing man-made activity, and that upstream appearance shall be compared to a location where the turbidity is observed. The County Engineer or Storm Water Quality Coordinator using the best information available and based upon their knowledge, experience and education shall determine the presence or lack of objectionable turbidity.

- E. Development will be required to minimize the impact to storm water quality by applying structural and/or nonstructural management practices selected to address site-specific conditions. The post-construction goal for water quality treatment shall be 80% removal of total suspended solids from the first flush volume, defined by land use characteristics or at least 0.5-inches of rainfall where not defined.
- F. Re-development activities will be required to follow storm water quality requirements.
- G. No land disturbance activities, whether by private or public action, shall be performed in a manner that will negatively impact storm water quality whether by illicit discharge, flow restrictions, increased runoff, or by diminishing channel or floodplain storage capacity. Erosion or sedimentation, or transport of other pollutants or forms of pollution, due to various land development activities must be controlled.



### **Section 3: Storm Water Runoff Controls**

- A. Land disturbance activities may not aggravate upstream or downstream flooding.
- B. Detention and retention facilities or other flow attenuation methods shall be sized such that the post-development peak discharge rate is less than or equal to the pre-development peak discharge rate for the 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year, 24-hour design storms. The facilities shall be designed such that the cumulative post-development discharge volume is less than or equal to the cumulative pre-development discharge volume during the critical time for the 2-year, 5-year, 10-year, 25-year, 50-year, and 100-year, 24-hour design storms. The critical time shall be between the hours of 11 and 18 of the 24-hour design storm unless otherwise specified by a County accepted watershed plan.
- C. The 24-hour storm design requirement outlined in Section B above is a minimum control standard. Regardless of the facilities, methodologies or Best Management Practices (BMPs) used for storm water runoff controls, illicit discharges, as defined by these Regulations, are prohibited.
- D. Water quality measures such as forebays or other BMPs shall be incorporated into detention facilities for added quality benefit and ease of maintenance.
- E. Consideration shall be given to the use of regional facilities.
- F. A Fee in lieu of detention shall be evaluated on a site-by-site basis. The fee shall include cost of construction and fair market value of the land required for detention facility construction. The use of the fee in lieu of detention does not exempt the requirement of water quality BMPs.
- G. Detention and retention facilities shall not be located in the right-of-way or in a Waterway Natural Area.
- H. Detention and retention facilities shall only be located on commonly owned areas or parcels, and shall not be located on parcels or lots intended for single-family residential uses.

## **Section 4: Waterway Natural Areas**

### **4.1 General Waterway Natural Area Requirements**

- A. Waterway Natural Areas (WNA) shall be implemented in Major Subdivisions, as defined by the Williamson County Subdivision Regulations, as Open Space. In any development other than a Major Subdivision where Open Space is not provided, the WNA shall be on private lots.
- B. Waterway Natural Areas width shall be at least 100-feet perpendicular from the top of bank on each side of the waterway where tributary area is greater than or equal to five (5) square miles.
- C. Waterway Natural Areas width shall be at least 75-feet perpendicular from the top of bank on each side of the waterway where the tributary area is greater than or equal to one (1) square mile and less than five (5) square miles.
- D. Waterway Natural Areas width shall be at least 50-feet perpendicular from the top of bank on each side of the waterway where the tributary area is less than one (1) square mile.
- E. Waterway Natural Areas shall be applied along all intermittent and perennial stream waterways as determined by the County, State, or USGS topographic information. This determination shall be conducted at the pre-application conference phase; however the County reserves the right to identify a waterbody until the preliminary plat approval.
- F. Waterway Natural Areas shall be recorded on all plats approved after the effective date of the Regulations and on the plat for parcels subject to plat revision.
- G. On parcels not subject to plat revisions, the WNA shall be applied as a setback from the top of bank.
- H. Waterway Natural Areas designations shall not reduce Base Site Area (as defined in the Williamson County Zoning Ordinance) and may be included as part of the required Open Space.
- I. All site development plans and plats prepared for recording shall:
  - 1. Define the boundaries of any WNA on the subject property and be labeled as "Waterway Natural Area."
  - 2. Provide a note to reference any WNA stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the Williamson County Engineering Department."
  - 3. Provide a note to reference any protective covenants governing all WNA stating: "Any Waterway Natural Area shown hereon is subject to protective covenants which may be found in the land records and which restrict disturbance and use of these areas."
- J. All WNA must be protected during development activities. Construction layout survey must include staking and labeling the WNA. Use a combination of stakes and flagging to ensure adequate visibility.
- K. Only those disturbances or uses specified in Section 4 herein shall be permitted in the WNA.

#### 4.2 Permitted Waterway Natural Area Uses

- A. Minor landscaping is allowed within the WNA to repair erosion, damaged vegetation, or other problems identified. Landscaping or stabilization activities must have prior approval by the Engineering Department.
- B. Passive recreation uses are permitted in the Waterway Natural Area, including but not limited to walking or jogging trails so long as the trails are placed no closer than 25 feet from top of bank of the adjacent waterway.
- C. Individual trees within the WNA may be removed if they are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the waterway.
- D. If the adjacent land use involves subsurface discharges or surface application from a wastewater treatment system that serves more than one (1) household or a non-residential use, effluent will not be allowed to discharge in the WNA except as provided herein. Where TDEC has granted a NPDES wastewater permit, the permittee is allowed to convey the effluent through the WNA to the waterway designated in the NPDES permit.
- E. Septic tanks must be outside of WNA. Upon approval by the County Engineer, septic field lines, gravity flow sewer lines to be owned and operated by a governmental entity, and open channels may be allowed within the WNA to within 25 - feet from the waterway as measured perpendicular to waterway from top of bank or as determined by the Williamson County Department of Sewage Disposal Management, whichever provides the greatest distance from top of stream bank.
- F. Storm Water pipe discharges are allowed no closer than 25-feet from the waterway as measured perpendicular to the waterway from top of bank so long as the following are met:
  - 1. The Owner/Operator must show that the storm water discharged within the WNA
    - a. shall achieve a post-construction removal rate of 80% for TSS (total suspended solids), and
    - b. will not cause erosion.
  - 2. Grading required to meet these discharge standards in Section 4.2.E(1) above may be allowed in the WNA within 25-feet of top of bank provided that
    - a. a valid State ARAP has been obtained, if required,
    - b. the County Engineer approves the grading plans,
    - c. written notification is given to the County Engineer upon completion, and
    - d. restoration shall be accomplished within fifteen (15) days of completion.
- G. Roadway and public utility crossings and the associated encroachments, as allowed by a Tennessee Department of Environment and Conservation (TDEC) ARAP, which are perpendicular to the channel are permitted in the WNA.

#### **4.3 Stream Improvements or Restoration**

- A. Stream improvements or restoration in the Waterway Natural Area are permitted if the following criteria are met:
1. the restoration or improvement does not alter the location of the channel of the stream;
  2. an ARAP from TDEC is obtained, if required; and
  3. the restoration or improvement includes the use of native vegetation, native grasses and/or canopy trees with the goal of achieving a forested canopy cover along the stream.

## **Section 5: Storm Water System Long-Term Operation and Maintenance**

- A. The maintenance requirements for permanent storm water runoff control facilities shall be the responsibility of the owner/operator.
- B. For residential developments that form a homeowners association, trust indenture, or other management entity, that entity shall be responsible for long-term operation and maintenance of storm water infrastructure located in drainage easements or Open Space.
- C. An engineer shall provide a storm water infrastructure long-term operation and maintenance plan with an opinion of probable costs and schedule, subject to approval by Williamson County. The long term operation and maintenance plan shall be in writing, shall be in recordable form, and shall, in addition to any other terms deemed necessary by the Williamson County, contain a provision permitting inspection at any reasonable time by Williamson County of the facilities deemed critical to the public welfare.
- D. Williamson County will have the authority, but not the duty, to maintain facilities not properly maintained and to recover costs associated with the maintenance from the owner/operator.
- E. Operation and maintenance plans for residential development shall be submitted and recorded with the final plat.
- F. Operation and maintenance plans for non-residential development shall be submitted and recorded prior to the issuance of a land disturbance permit.
- G. Upon approval of the storm water management facilities by Williamson County, the facility owner/operator(s) shall demonstrate the ability to garner and apply the financial resources necessary for long-term maintenance requirements. The funding mechanism shall be in a form approved by Williamson County. The County will only approve funding mechanism(s) for long-term maintenance responsibilities that can be demonstrated to be permanent or transferable to another entity with equivalent longevity.
- H. Long term Operation and Maintenance provisions of the storm water infrastructure shall be documented in the restrictive covenants.
- I. Inspections of storm water management facilities shall be conducted annually by the owner/operator for serviceability and shall be documented using the form provided by the County Engineer's office. The owner/operator shall submit to Williamson County a report no later than the first day of July upon completion of construction, and then bi-annually during the life of the facility. The report shall include the facility's condition relative to the intent of the design and shall demonstrate that the owner/operator has fulfilled the funding mechanism requirement. Storm water management facilities shall be inspected every five (5) years from the time of construction by an engineer. The inspection shall include a certification by the engineer that the facility is functioning as intended or shall provide a schedule of repairs and maintenance activities necessary to meet the intended use of the facility.

In the event biannual reports are not filed, then no additional permits of any kind shall be issued until such time as the County Engineer's office receives the required reports.
- J. The owner/operator of the storm water management facilities shall be required to execute an Operation and Maintenance Agreement and record same along with the operations and maintenance plan with the Williamson County Register of Deeds.

- K. Upon release of any sureties posted by the developer of a non-residential or residential development for erosion control or storm water facilities, the developer shall be required to provide a certified copy of all applicable Operation and Maintenance Agreements and Plans to the Homeowners Association (HOA) of the development or any other entity responsible for the long term operation and maintenance of the storm water facilities, by certified, return-receipt mail. The developer shall provide proof to Williamson County that the agreements were provided to the HOA.

## **Section 6: Land Disturbance Permits**

### **6.1 Applicability**

- A. Every owner/operator will be required to obtain a land disturbance permit from Williamson County in the following cases:
  - 1. Activities resulting in greater than one (1) acre of land disturbance;
  - 2. Activities that result in the disturbance of less than one (1) acre if it is part of a larger common plan of development or sale; or
  - 3. Where land disturbance activities pose a threat to water, public health or safety.
- B. No building permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by these Regulations.

### **6.2 Land Disturbance Permit Application**

- A. Application for a Land Disturbance Permit for subdivisions and non-residential sites that require a “Tennessee General Permit for Storm Water Discharges from Construction Activities” shall require the following be submitted to Williamson County for review and approval:
  - 1. The Notice of Coverage (NOC) received from Tennessee Department of Environment and Conservation TDEC for coverage under the “Tennessee General Permit for Storm Water Discharges from Construction Activities.”
  - 2. The Storm Water Pollution Prevention Plan prepared for coverage under the “Tennessee General Permit for Storm Water Discharges from Construction Activities.”
  - 3. Separate sheets, stamped by an engineer at a scale not to exceed one (1) inch equal to fifty (50) feet, for pre-construction, construction, and post construction storm water Best Management Practices (BMPs).
  - 4. A Land Disturbance Permit issued for a subdivision and non-residential site shall remain in effect for two (2) years. Upon expiration of the Land Disturbance Permit, the owner/operator shall submit plans for a new permit. If the plans have not been amended, there will be no fee for the renewal application.
- B. Application for a Land Disturbance Permit for single lot residential sites that require a “Tennessee General Permit for Storm Water Discharges from Construction Activities” shall require the following be submitted to Williamson County for review and approval:
  - 1. Site specific erosion control plan which shall state that it is “Prepared for purposes of the Application for Land Disturbance Permit” and sealed by a licensed civil engineer, registered land surveyor, architect, landscape architect or certified professional in erosion and sedimentation control.
  - 2. A Land Disturbance Permit issued for a single lot residential site shall remain in effect for two (2) years. Upon expiration of the Land Disturbance Permit, the owner/operator shall submit plans for a new permit. If the plans have not been amended, there will be no fee for the renewal application.

### **6.3 Fee Schedule**

- A. Single Lot – A storm water review and inspection fee of \$150 per lot is payable at building permit application for residential lots which are part of a platted subdivision, or exceed one (1) acre of disturbed area.
- B. Subdivision – A storm water review and inspection fee of \$300 is required for all subdivisions payable at issuance of a Land Disturbance Permit.
- C. Non-Residential Site Plans – A storm water review and inspection fee of \$300 is required for all non-residential site plans.



## **Section 7: Inspections**

Inspections shall be performed to ensure that vegetation, erosion and sediment control measures and other protective measures identified in the site plan are kept in good and effective operating condition.

### **7.1 Owner/Operator Inspections**

- A. Inspections required by Tennessee Department of Environment and Conservation (TDEC).
- B. Williamson County may request submission of inspection documentation.
- C. Pre-Construction storm water management Best Management Practices (BMPs) must be inspected and certified that the BMPs are in accordance with the approved plans by an engineer, licensed in the State of Tennessee on sites greater than one (1) acre or part of a larger development.
- D. Construction storm water management BMPs must be inspected and certified that the BMPs are in accordance with the approved plans by an engineer, licensed in the State of Tennessee, prior to granting building permit on sites with land disturbance activities greater than one (1) acre.
- E. Post Construction BMPs must be inspected and certified that the BMPs are in accordance with the approved plans by an engineer, licensed in the State of Tennessee, prior to release of surety.
- F. Final storm water management BMPs must be inspected and certified that the BMPs are in accordance with the approved plans by an engineer, licensed in the State of Tennessee, prior to certificate of occupancy.
- G. Hard copy and digital as-built plans of storm water BMPs, will be required in the State of Tennessee Plane coordinate system with the North American Datum 1983 (NAD83) and North American Vertical Datum (NAVD) of 1988.

### **7.2 County Inspections**

- A. County inspections may include, but are not limited to, the following:
  - 1. An initial inspection prior to storm water pollution prevention plan approval;
  - 2. A bury inspection prior to burial of any underground drainage structure;
  - 3. Erosion prevention and sediment control inspections as necessary to ensure effective control of erosion and sedimentation; and
  - 4. A final inspection when all work, including installation of storm management facilities, has been completed.
  - 5. Periodic inspections to ensure storm water facilities are being maintained.

## **Section 8: Violations and Enforcement**

### **8.1 Violations.**

A violation of these Regulations shall result from:

- A. an illicit discharge as defined in Section 2 herein, into any watercourse under County jurisdiction;
- B. an illicit discharge, as defined in Section 2 herein, from any site required to have a Land Disturbance Permit;
- C. failure to obtain a Land Disturbance Permit where required herein;
- D. failure to install or maintain erosion prevention and sediment controls consistent with the plan and performance requirements of these Regulations;

**OR**

- E. unapproved or unpermitted encroachment in the Waterway Natural Area (WNA).

### **8.2 Enforcement.**

Williamson County shall have the authority to issue Notices of Violation and citations, to impose the civil penalties provided in this Section, and to institute appropriate actions or proceedings at law or equity for the enforcement of these Regulations.

### **8.3 Notification of Violation.**

- A. **Written Notice.** Whenever the County Engineer, the Storm Water Quality Coordinator or his designee finds that any owner/operator or any other person discharging storm water has violated or is violating these Regulations or a permit or order issued hereunder, he may serve upon such person written Notice of the Violation (NOV). In addition to the NOV, whenever the County Engineer, the Storm Water Quality Coordinator or his designee finds that any permittee, person, company or facility owning, occupying or operating on any premises has violated or is violating these Regulations or a permit or order issued hereunder, he may revoke any permit issued by the County. Any permit mistakenly issued in violation of any applicable federal, state or local law or regulation may be revoked. Notice of such revocation shall be in accordance with the same notification requirements for NOVs.

Within a time limit established by this Notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to Williamson County. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the Notice of Violation.

- B. **Consent Orders.** The County Engineer or the Storm Water Quality Coordinator or his designee is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the Consent Order.

- C. Cease and Desist Orders. Cease and Desist Orders may be issued along with the NOV, outlined above. When the County Engineer or Storm Water Quality Coordinator or his designee finds that any person has violated or continues to violate these Regulations or any permit or order issued hereunder, he may:
1. In the case of a residential or non-residential development:
    - a. issue an order to cease and desist all such violations and direct those persons in noncompliance to:
      1. comply forthwith;
      2. take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation;
      3. halt all construction operations on development infrastructure within that Section of the development, except where necessary to take remedial or preventive action;
    - b. advise the Building Codes Director to withhold issuance of any new building permits within that section of the development until remedial or preventive action has been completed;
    - c. advise the Planning Director to withhold placing future submittals within the same development on the agenda of the Planning Commission until remedial or preventive action has been completed;
    - d. withhold issuance of any future land disturbance permits within the same development until a revised SWPPP has been submitted to the County Engineer; and
    - e. maintain the Cease and Desist Order until such time as the violations are remedied and any civil penalties, imposed in accordance with Section 9 of these Regulations, are paid or the obligation is removed through the appeals process by the Storm Water Appeals Board.
  2. In the case of a permit holder for an individual residential lot:
    - a. issue an order to cease and desist all such violations and direct those persons in noncompliance to:
      1. comply forthwith;
      2. take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation;
      3. halt all grading and land disturbance activities on the lot until remedial or preventive action is taken;
      4. advise the Building Codes Director to not conduct any future inspections and withhold issuance of any Certificates of Occupancy until remedial action has been completed; and

5. Maintain the Cease and Desist Order until such time as the violation is remedied and any civil penalties, imposed in accordance with Section 9 of these Regulations, are paid or the obligation is removed through the appeals process by the Storm Water Appeals Board.

#### **8.4 Conflicting standards.**

Whenever there is a conflict between any standard contained in these Regulations and in the Best Management Practices (BMP) manual adopted by Williamson County pursuant to these Regulations, the strictest standard shall prevail.

## **Section 9: Penalties**

Any person who shall commit any act declared unlawful under these Regulations, who violates any provision of these Regulations, who violates the provisions of any permit issued pursuant to these Regulations, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the County Engineer or Storm Water Quality Coordinator or his designee, shall be guilty of a civil offense.

### **9.1 Penalties**

Under the authority provided in Tennessee Code Annotated Section 68-221-1106, Williamson County declares that any person violating the provisions of these Regulations may be assessed a civil penalty by the County Engineer or Storm Water Quality Coordinator or his designee of not less than \$50.00 and not more than \$5,000.00 per day for each day of violation. Each day of violation shall constitute a separate violation. The penalties may be assessed beyond schedules applied in a Notice of Violation (NOV) or other schedules issued to the owner/operator or other person responsible for the violations defined in these Regulations.

### **9.2 Payment of Penalties**

Civil penalties shall be paid within ten (10) days of receipt of the written notice of imposition of the penalties, unless an appeal of the penalty has been properly perfected in accordance with these Regulations. If the civil penalty is appealed to the Storm Water Appeals Board, the penalty shall be paid into escrow at the time of application. If the civil penalty is not paid within the deadlines established herein and if the applicant does not appeal the decision of the Storm Water Appeals Board, then Williamson County shall have the authority to either place a lien upon and against the property or seek execution of the penalty through a court of competent jurisdiction. If Williamson County places a lien upon the property and the lien is not removed within ninety (90) days, Williamson County is authorized to take all legal action necessary to enforce the lien as a judgment, including without limitation, enforcing the lien in an action brought in a court of competent jurisdiction. Williamson County shall be entitled to any costs and fees associated with enforcement of these Regulations, execution of a penalty or enforcement of any lien placed upon property in accordance with these Regulations.

### **9.3 Specific Penalties**

- A. The following shall be imposed upon single residential lot violations:
  - 1. Failure to install or maintain erosion controls-\$250.00 per occurrence.
  - 2. Illicit Discharge - \$500.00 per occurrence.
  - 3. Failure to Obtain a Land Disturbance Permit - \$1,000.00 per occurrence.
- B. The following shall be imposed upon residential development and non-residential development violations:
  - 1. Failure to install or maintain erosion controls - \$500.00 per occurrence.
  - 2. Illicit Discharge - \$1,000.00 per occurrence.

3. Failure to Obtain a Land Disturbance Permit - \$5,000.00 per occurrence.
- C. Where a Waterway Natural Area (WNA) is required on any plat, site plan or grading plan, any unapproved or unpermitted encroachment into a WNA shall receive a penalty of \$1,000.00 for each occurrence.

#### **9.4 Measuring civil penalties**

In assessing a civil penalty, the County Engineer or Storm Water Quality Coordinator or his designee may consider:

- A. The harm done to the public health or the environment;
- B. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- C. The economic benefit gained by the violator;
- D. The amount of effort put forth by the violator to remedy this violation;
- E. Any unusual or extraordinary enforcement costs incurred by the municipality;
- F. The amount of penalty established by ordinance or resolution for specific violations; and
- G. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

#### **9.5 Recovery of Damages and Costs**

Williamson County may recover damages and costs in addition to civil penalties.

- A. Williamson County may recover all damages proximately caused by the violator to Williamson County, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, these Regulations, or any other actual damages caused by the violation.
- B. Williamson County may recover the costs to Williamson County for maintenance of storm water facilities when the user of such facilities fails to maintain them as required by these Regulations.
- C. In the event that there are penalties assessed by the State against Williamson County caused by or as a result of the act or omission of any person, company or facility, or owner/operator, said actor shall be assessed the equivalent amount of such penalty. This shall include, but is not limited to, penalties for improper disposal or illegal dumping, or illicit connection into the municipal separate storm sewer system.
- D. If corrective action, including maintenance delinquency, is not taken in the time specified, or within a reasonable time if not time is specified, Williamson County may undertake the corrective action, and the cost of such corrective action shall be the responsibility of the person, company, facility, owner/operator and/or developer. The cost of abatement and restoration shall be borne by the owner of the property, with such costs invoiced to the owner of the property. If said invoice is not paid within 90 days of receipt of such invoice, Williamson County shall have the authority to place a lien upon and against the property. If the lien is not removed within 90 days, Williamson County is authorized to take all legal action necessary to enforce the lien as a judgment, including without limitation, enforcing the lien in an action brought in a court of competent jurisdiction. Williamson County shall be entitled to any costs and fees associated with

enforcement of these Regulations or enforcement of any lien placed upon property in accordance with these Regulations.

#### **9.6 Other Remedies**

Williamson County may bring legal action to enjoin the continuing violation of these Regulations, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

#### **9.7 Remedies Cumulative**

The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

#### **9.8 Emergency Orders and Abatement**

The County Engineer or Storm Water Quality Coordinator or his designee may order the abatement of any discharge from any source to the storm water conveyance system when, in the opinion of the County Engineer or Storm Water Quality Coordinator or his designee, the discharge causes or threatens to cause a condition which presents an imminent danger to the public health, safety or welfare, or the environment, or a violation of the NPDES permit. In emergency situations where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety or welfare, or the environment or a violation of the National Pollution Discharge Elimination System (NPDES) permit, the County may perform or cause to be performed such work as shall be necessary to abate said threat or danger. The costs of any such abatement shall be borne by the property owner and shall be collected in accordance with the provisions herein.

## **Section 10: Creation and Authority of Storm Water Appeals Board**

### **10.1 Creation of Board**

- A. Pursuant to Tennessee Code Annotated Section 68-221-1106, Williamson County hereby creates a board to hear and decide appeals of these Storm Water Regulations.
- B. Said board shall be called the “Storm Water Appeals Board”.
- C. The Storm Water Appeals Board shall consist of seven members, appointed by the County Mayor, subject to confirmation by the Board of County Commissioners. Each member must be a resident of Williamson County. There shall be one (1) member who is representative of the following groups:
  - 1. Member of the Board of County Commissioners
  - 2. Member of the Profession of Building Contractors
  - 3. Member of the Profession of Engineering
  - 4. Member of the Profession of Agriculture
  - 5. Member of the Residential/Commercial Development Community
  - 6. Current or former board member of a Home Owners Association
  - 7. Member of an Environmental Profession.

Each member shall be appointed to a term of three years, with the first term of members one(1) – four (4) lasting two (2) years, and the first term of member five (5) – seven (7) lasting three (3) years. Thereafter the term of each member shall be three (3) years, except the Member of the Board of County Commissioners, whose term shall run concomitant with his/her elected term of office.
- D. The Storm Water Appeals Board shall meet as needed.
- E. Each member of the Storm Water Appeals Board shall be entitled \$50.00 per meeting attended.
- F. The Storm Water Appeals Board shall be empowered to adopt bylaws to govern the order of proceedings as well as a method for electing officers and keeping records.
- G. Each meeting of the Storm Water Appeals Board shall be memorialized in a set of minutes that will be kept in a well-bound book by the County Engineer.
- H. The Storm Water Appeals Board is hereby authorized to hear and decide appeals of any order, decision or ruling of the County Engineer or Storm Water Quality Coordinator or his designee issued pursuant to these Regulations. The Storm Water Appeals Board is hereby authorized to consider any application for waiver from the requirements of these Regulations as provided herein. In no event shall the Storm Water Appeals Board issue a decision that in any way violates any other federal, state, or local laws.

### **10.2 Applications for Appeals**

- A. Appeals to County Engineer. Upon issuance of a civil penalty, damage assessment or any other citation or Notice of Violation of these Regulations, it



shall be conclusive and final unless the accused violator submits written notice of appeal to the County Engineer within ten (10) days of the notice being served. If the County Engineer does not issue a decision within ten (10) days of the receipt of the written notice of appeal, then the violation is considered upheld. If the County Engineer does not reverse the decision, then any person aggrieved by the imposition of a civil penalty, damage assessment, any other citation or Notice of Violation of these Regulations or decision by the County Engineer, Storm Water Quality Coordinator or his designee as provided by these Regulations may appeal said penalty, damage assessment or decision to the Storm Water Appeals Board.

B. Application for Appeal to the Storm Water Appeals Board.

1. The Board is hereby authorized to hear and decide applications for appeal of any order, decision or ruling of the County issued pursuant to these Regulations.
2. Application Requirements.
  - a. The appeal to the Storm Water Appeals Board shall be filed with the County Engineer within fifteen (15) days after the decision or ruling of the County Engineer is served in any manner authorized by law.
  - b. All applications shall be filed with the County Engineer's office on official forms. The deadline for filing a complete application is 4:30 p.m., on the fourth (4<sup>th</sup>) Wednesday of the month prior to the scheduled meeting the following month.
  - c. At a minimum, a complete application shall include:
    1. the application form;
    2. the filing fee;
    3. information on the specific relief sought;
    4. plans, drawings, plats or surveys showing conditions of the site if the Regulations are applied as written; and
    5. separate plans, drawings, plats or surveys showing conditions of the site if the appeal is granted as requested.
    6. Additionally, the applicant may provide photographs, calculations or other information which must also be filed with the application in order for it to be considered by the Board.
  - d. For an appeal of a Notice of Violation or Cease and Desist Order where a civil penalty has also been imposed, in addition to the requirements of 10.2.B above, the applicant shall pay the full amount of the civil penalty to the County to be placed into an escrow fund pending the outcome of the appeal. If Board reduces or removes the civil penalty in accordance with its authority herein, then that portion of the civil penalty shall be returned to the applicant within 60 days following the final decision of the Board.

- e. When applications are filed, they shall be examined by the County Engineer, Storm Water Quality Coordinator or his designee for completeness and accuracy to determine whether all of the information and data have been provided. Where information is lacking or inadequate, the applicant shall be notified as to the nature and extent of the deficiency, and the appeal shall be retained as an intent to file for 30 days, after which such appeal shall be considered abandoned by the applicant. Until deficiencies are remedied, the appeal shall be considered insufficient for review and action by the Board.
3. Upon receipt of an appeal, the Storm Water Appeals Board shall hold a public hearing at the next regularly scheduled meeting. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a newspaper of general circulation. Ten (10) days notice by United States mail shall also be provided to the appellant, such notice to be sent to the address provided by the appellant on the Application for Appeal.
4. Following the hearing on an application for appeal, the Board may defer, affirm, reverse, modify or remand for more information, the order, decision or ruling of the County Engineer or Storm Water Quality Coordinator or his designee. In no event shall the Board issue a decision that in any way violates any other federal, state or local laws. The decision of the Storm Water Appeals Board shall be final.

### **10.3 Application for Waiver**

- A. The Board is hereby authorized to grant applications for a waiver of these Regulations provided the Board's action is consistent with the objectives and policies identified by these Regulations. The Board does not have the authority to permit actions by the applicant that are based on lack of proper planning or implementation of site development.
- B. Application Requirements.
  1. The application for waiver to the Storm Water Appeals Board shall be filed with the County Engineer's office on official forms. The deadline for filing a complete application is 4:30 p.m., on the fourth (4<sup>th</sup>) Wednesday of the month prior to the scheduled meeting the following month.
  2. At a minimum, a complete application shall include:
    - a. the application form;
    - b. the filing fee;
    - c. information on the specific relief sought;
    - d. plans, drawings, plats or surveys showing conditions of the site if the Regulations are applied as written; and
    - e. separate plans, drawings, plats or surveys showing conditions of the site if the Waiver is granted as requested.

- f. Additionally, the applicant may provide photographs, calculations or other information which must also be filed with the application in order for it to be considered by the Board.
  3. When applications are filed, they shall be examined by the County Engineer, Storm Water Quality Coordinator or his designee for completeness and accuracy to determine whether all of the information and data have been provided. Where information is lacking or inadequate, the applicant shall be notified as to the nature and extent of the deficiency, and the application shall be retained as an intent to file for 30 days, after which such application shall be considered abandoned by the applicant. Until deficiencies are remedied, the application for waiver shall be considered insufficient for review and action by the Board.
  4. Under no circumstances may a final or preliminary site plan containing proposed Waivers of these Regulations be submitted to the Williamson County Regional Planning Commission until the Storm Water Appeals Board has considered and acted upon the application for waiver.
- C. Upon receipt of a complete application for waiver by the required filing deadline, the Storm Water Appeals Board shall hold a public hearing at the next regularly scheduled meeting. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a newspaper of general circulation. Ten (10) days notice by United States mail shall also be provided to the appellant, such notice to be sent to the address provided by the appellant on the Application for Waiver.
- D. Applications for waivers shall be reviewed by the Board and may be granted or granted with conditions for those projects or activities where it can be demonstrated that strict compliance with these Regulations would result in practical difficulty. The Board must find that one (1) or more of the following criteria are satisfied:
1. The plight of the landowner is due to the unique conditions of the property.  
  
A unique condition is a condition that is peculiar to the subject property that relates to a physical aspect of the subject property.
  2. Compliance with the strict letter of the restrictions governing physical requirements such as lot area, set backs, and lot coverage unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
  3. The waiver would grant fairness to the applicant and in a manner that is consistent with the level enjoyed by others in the County.
  4. Those projects or activities serving a public need where no feasible alternative is available.

5. The repair and maintenance of public improvements where avoidance and minimization of adverse impacts to wetlands and associated aquatic ecosystems have been addressed.
6. Other considerations, such as:
  1. the necessity of the facility to a waterfront location, in the case of a functionally dependent facility.
  2. the relationship of the proposed use to the comprehensive plan and master drainage plans for that area.
  3. the safety of access to the property in times of flood for ordinary and emergency vehicles.
  4. the costs of providing governmental services during and after flood conditions including maintenance and repair public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
  5. whether issuance of a waiver is the minimum necessary so as not to destroy the character and design of an historic building or feature.
- E. The Board may defer, grant, grant with conditions or deny the application for waiver. The Board may require proof that the applicant has complied with the decision of the Board. The decisions of the Board are final.

#### **10.4 Appealing decisions of the Storm Water Appeals Board**

Any applicant may appeal a decision of the Storm Water Appeals Board pursuant to the provisions of Tennessee Code Annotated.

## **Section 11: Administration and Miscellaneous**

- A. In order that storm water quality and quantity may be managed in accordance with these purposes and policies, these Regulations are hereby adopted.
- B. Should any article, section, subsection, clause or provision of this Storm Water Management Regulation be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the regulation as a whole or any part thereof other than the part declared to be unconstitutional or invalid, each article, section clause and provision being declared severable.
- C. In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for promotion of the public health, safety and general welfare.
- D. It is established that these Regulations are not intended to interfere with, abrogate or annul any regulations, statutes, or laws. In any case where these Regulations impose restrictions different from those imposed by any other provision of these regulations, or any other regulation, law or statutes, whichever provisions are more restrictive or impose higher standards shall control.
- E. For the purpose of these Regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in Section 12.
- F. Where words within these Regulations have not been defined, the standard dictionary definition shall prevail.
- G. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words in the plural include the singular; words used in the masculine include the feminine.

## Section 12: Definitions and Abbreviations

### 12.1 Definitions

Agricultural Land Management Activities – the practice of cultivating the soil, producing crops, and raising livestock for the preparation and marketing of the resulting products.

Approval/Approved- Any reference to approval by the County Engineer, the Storm Water Quality Coordinator or his designee is acceptance of the document or information submitted for purposes of these Regulations alone and shall not be construed in any way as a guarantee, warranty or assurance that the plans, plats, maps, specifications, Best Management Practices (BMPs), or methodologies proposed will perform as indicated by the design professional or that a violation of these Regulations will not result therefrom.

As-Built Plans – means drawings depicting conditions as they were actually constructed.

Base Flood – The flood having a one percent chance of being equaled or exceeded in any given year. While this statistical event may occur more frequently, it may also be known as the “100-year flood event”.

Best Management Practice (BMP) – This may refer collectively or specifically to a structural or non-structural practice intended to address water quantity or quality as best available.

BMP Treatment Train – A technique for progressively selecting various storm water management practices to address water quality, by which groups of practices may be used to achieve a treatment goal while optimizing effectiveness, maintenance needs and space.

Bridge – A man made conveyance of storm water flows.

Building – A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

Channel – A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

Certified Professional in Erosion and Sediment Control - An individual successfully completing the training and / or testing to achieve certification as a Certified Professional in Erosion and Sediment Control from CPESC, Inc. (CPESC) The individual shall have been issued a CPESC Certification Number from CPESC, Inc. and shall maintain an active CPESC Certification. A CPESC-IT would not be considered qualified. The CPESC, Inc. certification program, founded by the Soil and Water Conservation Society and the International Erosion Control Association, in cooperation with the American Society of Agronomy, assists in providing the public with evidence of professional qualifications.

Clearing – To remove vegetation, trees, debris, or structures.

Color – Color as used herein means true color as well as apparent color. True color is the color of the water from which turbidity has been removed. Apparent color includes not only the color due to substances in solution (true color), but also that color due to suspended matter. Materials producing color resulting from other than natural causes shall not create an aesthetically undesirable condition. See also Water Color.

Contrast - Contrast is the diversity of adjacent elements in terms of color, texture or tone.

Culvert – An enclosed man made conveyance of storm water flows. This may include a pipe or other enclosed constructed conveyance.

Cross-drain – A culvert used to convey flow under a road or other obstruction between channels or surface flow.

Critical area – A site subject to erosion or sedimentation as a result of cutting, filling, grading, or other disturbance of the soil; a site difficult to stabilize due to exposed subsoil, steep slope, extent of exposure, and other conditions.

Critical service roads – Designated County evacuation routes, or other access to police, fire, emergency medical services, hospitals, or shelters.

Cut – Portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface.

Design storm event – A hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a storm water facility.

Detention – The temporary delay of storm runoff prior to discharge into receiving waters. This includes facilities with a normal pool elevation.

Developer – Any individual, firm, corporation, association, partnership, or trust involved in commencing proceedings to effect development of land for himself or others. This includes any legal or engineering representative of the “developer”.

Development – Any man-made change to improved or unimproved real property, including but not limited to, buildings, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials (as defined as materials of like nature stored in whole or in part for more than six months).

Discharge – To dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

Drainage Basin – A part of the surface of the earth that is occupied by and provides surface water runoff into a storm water management system (MS4 or Waters of the State), which consists of a surface stream or a body of impounded surface water together with all tributary surface streams and bodies of impounded surface water.

Engineer – An engineer duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of engineering.

Erosion Prevention and Sediment Control (EP&SC) – See “erosion prevention” and “sediment control”

Erosion – The removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

Erosion prevention – practices implemented to prevent, through shielding, binding or other mechanism(s), the suspension of soil particles, often associated with erosion prevention and sedimentation control.

Excavation – See cut.

Existing Grade – The slope or elevation of existing ground surface prior to cutting or filling.

Existing Construction – Any structure for which the "start of construction" commenced before the effective date of these Regulations.

Fill – Portion of land surface or area to which soil, rock, or other materials have been or will be added; height above original ground surface after the material has been or will be added.

Finished Grade – The final slope or elevation of the ground surface, after cutting or filling.

First Flush – The runoff that occurs at the beginning of a rain event.

Flood or Flooding – A general or temporary condition of partial or complete inundation of two (2) or more acres of normally dry land areas or of two (2) or more properties (at least one (1) of which is the policyholder's property from:

1. Overflow of inland or tidal waters; or
2. Unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudflow; OR

Collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.

Flood Elevation Study (replaced flood insurance study) – An examination, evaluation and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood related erosion hazards.

Flood Insurance Rate Map (FIRM) – Official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Floodplain – Any land area susceptible to being inundated by flood waters from any source.

Floodproofing – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damages to real estate or improved real property, water and sanitation facilities, or structures with their contents.

Floodway – That portion of the stream channel and adjacent flood plain required for the passage or conveyance of a 100-year flood discharge. The floodway boundaries are placed to limit encroachment in the flood plain so that a 100-year flood discharge can be conveyed through the flood plain without materially increasing (less than one (1) foot) the water surface elevation at any point and without producing hazardous velocities or conditions. This is the area of significant depths and velocities and due consideration should be given to effects of fill, loss of cross sectional flow area, and resulting increased water surface elevations.

Floodway Fringe – That portion of the flood plain lying outside the floodway.

Floor - The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Flow Attenuation – To lessen the volume, stage, discharge rate, or velocity of storm water runoff.

Grading – Any operation or occurrence by which the existing site elevations are changed; or where any ground cover, natural, or man- made, is removed; or any watercourse or body of water, either natural or man- made, is relocated on any site, thereby creating an unprotected area. This includes stripping, cutting, filling, stockpiling, or any combination thereof, and shall apply to the land in its cut or filled condition. Grading activities may only be performed with a Land Disturbance Permit.



Historic Structure Designation – Any structure that is: listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historical district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or listed individually on a state or local inventory of historic places.

Illicit Connection – Any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit Discharge – Except for the lawful discharges into the MS4 listed in Section 2 herein, all storm water discharges to the MS4, that do not meet the requirements for Storm Water Quality in Section 2, that do not meet the requirements for Storm Water Quantity in Section 2, or that are the result of a failure of storm water runoff controls that were improperly designed, installed or maintained, as outlined and required in these Regulations, are illicit discharges.

Impervious Cover – A term applied to any ground or structural surface that water cannot penetrate or through which water penetrates with great difficulty.

Intermittent Stream Waterways – Natural or man-made watercourses (streams) which cease to flow for sustained periods during a normal rainfall year (typically during the later summer through the fall months).

Land disturbing activity – Any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

Municipal Separate Storm Sewer System (MS4) – defined at 40 CFR §122.26(b)(8) as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (CWA) that discharges to waters of the state;

Designed or used for collecting or conveying storm water;

Which is not a combined sewer; and

Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

New Construction – Structures for which the "start of construction" commenced on or after the effective date of these Regulations. The term also includes any subsequent improvements to such structures.

Nonpoint Source – Any source of pollutant(s) that is not a point source. Examples are sheet flow from pastures and runoff from paved areas.

NPDES Permit – National Pollution Discharge Elimination System permit issued pursuant to 33 U.S.C. §1342.

One Hundred (100) -Year Flood – A flood that has an average frequency of occurrence of once in 100 years, determined from an analysis of floods on a particular watercourse and other

watercourses in the same general region. Statistically, it has a one-percent (1%) chance of occurring in any given year. See “Base Flood”.

Owner/Operator – Any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country that holds property or performs land disturbance activities.

Perennial Stream Waterways – Watercourses (streams) that generally flow year-round. However, they may go dry in droughty years.

Permittee - Any person, firm, or any other legal entity to whom a site disturbance, grading, building or other related permit is issued in accordance with Williamson County regulations.

Point Source – Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Post-construction – The stage of development where the surety for roads, drainage and erosion control has been released by Williamson County for residential developments or where a certificate of occupancy has been issued for non-residential developments.

Redevelopment – Development improvements that have a value less than 50% of the current assessed value and/or increases the floor area by less than 25%. Demolition and reconstruction is considered development and not redevelopment. Note: this is different from significant redevelopment.

Regional Storm Water Management Facility – A device or management practice, typically but not always a detention or retention pond, with a tributary area with more than one (1) development site. This may be multiple homogenous land use areas or an area of various land uses.

Regulatory Floodway – A “Regulatory Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities must regulate development in these floodways to ensure that there are no increases in upstream flood elevations. For streams and other watercourses where FEMA has provided Base Flood Elevations (BFEs), but no floodway has been designated, the community must review floodplain development on a case by case basis to ensure that increases in water surface elevations do not occur, or identify the need to adopt a floodway if adequate information is available

Retention – The prevention of storm runoff from direct discharge into receiving waters. Examples include systems which discharge through percolation, exfiltration, filtered bleed-down and evaporation processes.

Sediment – Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, or gravity as a product of erosion.

Sediment Control – Practices implemented to manage through filtering, settling or other mechanism(s) to remove suspended particles (soil, organic or mineral) from water, often associated with erosion prevention and sedimentation control.

Significant Redevelopment – Development improvements that have a value greater than 50% of the current assessed value, increases the floor area than 25% or more, any change in the impervious surface area, redirects the flow of storm water in any way, modifies the storm sewer

system, or changes the storm water characteristics. Demolition and reconstruction is considered development and not redevelopment. Note: this is different from redevelopment.

Site – All contiguous land and bodies of water in one ownership, graded or proposed for grading or development as a unit, although not necessarily at one time.

Slope – Degree of deviation of a surface from the horizontal, usually expressed in percent or ratio.

Small Municipal Separate Storm Sewer System – Defined at 40 CFR §122.26(b)(16) and refers to all separate storm sewers that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act (CWA) that discharges to waters of the state, but is not defined as “large” or “medium” municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

Storm Water – Defined at 40 CFR §122.26(b)(13) as storm water runoff, snow melt runoff, and surface runoff and drainage.

Stripping – Any activity that removes or significantly disturbs the vegetative surface cover, including clearing and grubbing operations.

Structure – See Building.

Surveyor – A surveyor duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of land surveying.

Tributary Area – The drainage area upstream of a specified point including all overland flow that directly or indirectly connects down-slope to the specified point.

Turbidity - The cloudy appearance of water caused by the presence of suspended colloidal matter. Turbidity is an optical property of the water based on the amount of light reflected by the suspended particles. The suspended particles interfere with the passage of light through the water or in which visual depth is restricted. Turbidity attributable to other than natural causes shall not reduce light transmission to the point that the biota is inhibited or that will cause an unaesthetic and substantial visible contrast with the natural appearance of the water. See Section 2 for the Turbidity Standard.

Water Color - Color of waters is a guide to their composition, and remote sensing of water color is used to infer water quality, particularly suspended solids, phytoplankton concentrations. The color of water, with water considered a translucent (i.e. not transparent) material, is commonly associated with transmitted light. The color of natural waters as observed from above is associated with the upwelling light field that results from back scattering of sunlight illuminating the water volume. In this manner, the color of natural waters can be objectively specified using their spectral reflectance, where the reflectance is defined as the ratio of the upwelling light to incident (downwelling) light.

Watercourse under County Jurisdiction – MS4, storm water infrastructure associated with or integrated into a residential or nonresidential development, and any conveyance leading into or through a Waterway Natural Area.

Waters of the State – All water, public or private, on or beneath the surface of the ground, except those bodies of water retained within single ownership which do not join with natural surface or underground waters.

Waterway Natural Area – A strip of undisturbed native vegetation, either original or re-established, that borders streams and rivers, ponds and lakes, wetlands, and springs.

Wetland – Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typical to life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, marshes, bogs and similar areas.

Wet Weather Conveyance – Man-made or natural watercourses that flow only in direct response to precipitation runoff in their immediate locality, and whose channels are above the groundwater table, and which do not support fish and aquatic life.

## **12.2 Abbreviations**

ARAP – Aquatic Resource Alteration Permit

BMP – Best Management Practice

CPESC – Certified Professional in Erosion and Sediment Control

CWA – Clean Water Act

EPSC – Erosion Prevention and Sediment Control

FIRM – Flood Insurance Rate Map

HOA- Home Owner's Association

MS4 - Municipal Separate Storm Sewer System

NOC – Notice of Coverage

NOV – Notice of Violation

NPDES – National Pollution Discharge Elimination System

SCS – Soil Conservation Service

SWPPP – Storm Water Pollution Prevention Plan

TDEC – Tennessee Department of Environment and Conservation

USGS – United States Geological Survey

WNA – Waterway Natural Area

### **Section 13: Performance Bonds**

- A. Williamson County may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the storm water practices are installed by the permit holder as required by the approved storm water management plan in accordance with the Williamson County Zoning Ordinance and Subdivision Regulations.
- B. The Williamson County Regional Planning Commission will administer the guarantee of improvements. Applicable provisions of Section IV, “ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS”, of the Williamson County Subdivision Regulations, concerning the type of acceptable performance bonds and Williamson County Regional Planning Commission’s rights under the required bonds are incorporated herein and are made part of these Regulations.

Appendix A : Amendments to the Williamson County Storm Water Regulations

**Amend Section 2.3** – Amendment adopted on ..

Original:

Current: Deleted

**Amend Section 4.1.A.** - Amendment adopted on June 13, 2005

Original: A. Waterway Natural areas shall be implemented in Major Subdivisions as Open Space. In any development other than a Major Subdivision where open space is not provided, the Waterway Natural Areas shall be on private lots.

Current: A. Waterway Natural Areas (WNAs) shall be implemented in Major Subdivisions, as defined by the Williamson County Subdivision Regulations, as Open Space. In any development other than a Major Subdivision where open space is not provided, the Waterway Natural Areas shall be on private lots.

**Amend Section 4.1.F.** -Amendment adopted on June 13, 2005

Original: F. Waterway Natural Areas shall be recorded on the plat for parcels subject to plat revision.

Current: F. Waterway Natural Areas shall be recorded on all plats approved after the effective date of these Regulations and on the plat for parcels subject to plat revision.

**Add Section 4.3** – Amendment adopted on ....

Original: Not included

Current: **4.3 Stream Improvements or Restoration**

A. Stream improvements or restoration in the Waterway Natural Area are permitted if the following criteria are met:

1. the restoration or improvement does not alter the location of the channel of the stream;
2. an ARAP from TDEC is obtained, if required; and

3. the restoration or improvement includes the use of native vegetation, native grasses and/or canopy trees with the goal of achieving a forested canopy cover along the stream.

**Amend Section 5-** Amendment adopted on June 13, 2005 Add: J. The owner/operator of the storm water management facilities shall be required to execute an operation and maintenance agreement and record same along with the operations and maintenance plan with the Williamson County Register of Deeds.

**Amend Section 6.1.A.1.-** Amendment adopted on June 13, 2005

Original: 1. Activities resulting in greater than 5,000 square feet of land disturbance.

Current: 1. Activities resulting in greater than one (1) acre of land disturbance

**Amend Section 6.1.A.2.-** Amendment adopted on June 13, 2005

Original: 2. Whenever excavation, fill, or any combination of thereof will exceed five hundred (500) cubic yards

Current: 2. Activities that result in the disturbance of less than one (1) acre if it is part of a larger development or sale.

**Amend Section 6.2.A.1.-** Amendment adopted on June 13, 2005

Original: 1. The Notice of Intent (NOI) submitted to TDEC for Coverage under the "Tennessee General Permit for Storm Water Discharges from Construction Activities."

Current: 1. The Notice of Coverage (NOC) received from TDEC for coverage under the "Tennessee General Permit for Storm Water Discharges from Construction Activities."

**Amend Section 6.2.B.-** Amendment adopted on June 13, 2005

Original: 1. The Notice of Intent (NOI) submitted to TDEC for coverage under the "Tennessee General Storm Water Discharges from Construction Activities."

Current: 1. The Notice of Coverage (NOC) received from TDEC for coverage under the “Tennessee General Permit for Storm Water Discharges from Construction Activities.”

Original: 3. Separate sheets, developed by a qualified individual, at a scale not to exceed one (1) inch equal to fifty (50) feet, for pre construction, construction, and post construction storm water BMP’s

Current: 3. Site specific erosion control plan prepared and sealed by a licensed civil engineer, registered land surveyor or certified professional in erosion and sedimentation control.

**Amend Section 6.2.C.-** Amendment adopted on June 13, 2005

Original: Application for a Land Disturbance Permit on sites with land disturbance activities greater than 5,000 square feet but less than one acre does not require a “Tennessee General Permit for Storm Water Discharges from Construction Activities” shall require the submittal to Williamson County a Williamson County Erosion Prevention and Sediment Control Checklist signed by the applicant.

Current: Deleted

**Amend Section 10.C.-** Amendment adopted on June 13, 2005

Original: The appeal shall be in writing and filed along with a non-refundable application fee of \$100.00 with the County Engineer within fifteen days after the civil penalty and /or damage assessment is served in any manner authorized by law.

Current: The appeal shall be in writing, on a form approved by the County Engineer, and filed with a non-refundable application fee of \$100.00 and any supporting documentation, with the County Engineer within fifteen (15) days after the civil penalty, damage, assessment, and/or order, decision or ruling of the County Engineer, Codes Compliance Director, or his designee is served in any manner authorized by law.

**Amend Section 10.D. -** Amendment adopted on June 13, 2005

Original (in part): Upon receipt of an appeal, the Storm Water Appeals Board shall hold a public hearing within thirty (30) days.



Current: Upon receipt of an appeal, the Storm Water Appeals Board shall hold a public hearing at the next regularly scheduled meeting.

Amend Definitions Section 12 to Add:- Amendment adopted on June 13, 2005

**Surveyor** – A surveyor duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of land surveying.

**Certified Professional in Erosion and Sedimentation Control** - An individual successfully completing the training and/or testing to achieve certification as a CPESC (Certified professional in Erosion and Sedimentation Control from CPESC, Inc. The individual shall have been issued a CPESC Number from CPESC, Inc. and shall maintain an active CPESC Certification. A CPESC-IT would not be considered qualified. The CPESC, Inc. certification program, founded by the Soil and Water conservation and the International Erosion Control Association, in cooperation with the American Society of Agronomy, assists in providing the public with evidence of professional qualifications.

**CPESC**- See Certified Professional in Erosion and Sedimentation Control.

**Amend Section 6.2.B.** -Amendment adopted on September 11, 2006

Original: 1. The Notice of Coverage (NOC) received from TDEC for coverage under the “Tennessee General Permit for Storm Water discharges from Construction Activities”.

2. The Storm Water Pollution Prevention Plan Prepared for coverage under the “Tennessee General Permit for Storm Water Discharges from Construction Activities”.

3. Site specific control plan prepared erosion con and sealed by a licensed civil engineer, registered land surveyor, or certified professional in erosion and sedimentation control.

Current: 1. Site specific erosion control plan prepared and sealed by a licensed civil engineer, registered land surveyor, architect, landscape architect or certified professional in erosion and sedimentation control.

Amend Definitions Section 12 to Add: Amendment adopted September 11, 2006

**Architect** – An individual duly registered, licensed or otherwise authorized by the State of Tennessee to practice in the field of architecture.

**Landscape Architect** -An individual duly registered, licensed and otherwise authorized by the State of Tennessee to practice in the field of landscape architecture.